

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA

Rodney J. Ireland, Lester McGillis, Gerald DeCoteau, William Carter, Ryan Corman, Matthew Graham, Terry Greak, Glenn Halton, Robert Hoff, Monte Hojian, Jeremy Johnson, Michael Kruk, Garrett Loy, Kevette Moore, Cruz Muscha, Darin Napier, Paul Oie, Timothy Olpin, Larry Rubey, Christopher Simon, Kelly Tanner, John Westlie, Robert Lilley, Darl Hehn, Oliver Wardlow, Joshua Keeping, Matthew Dyer, Travis Wedmore, Kyle Aune, Marcus Bartole, Jason Gores, Estel Naser, Andrew Olafson, Stanton Quilt, Raymond Voisine, Eugene Wegley, David Anderson, Eugene Fluge, Robert Beauchamp, Sandy Mangelsen, and Eugene Hinson,

Plaintiffs,

-vs-

State of North Dakota, North Dakota, Department of Human Services, North Dakota State Hospital, Dr. Rosalie Etherington, Superintendent of the North Dakota State Hospital, and Christopher Jones, Executive Director of the North Dakota Department of Human Services,

Defendants.

Case No. 3:13-cv-03

**ORDER ADOPTING REPORT AND  
RECOMMENDATION ON  
DISMISSAL OF EUGENE HINSON**

The court has received a Report and Recommendation from the Honorable Alice R. Senechal, United States Magistrate Judge, pursuant to 28 U.S.C. § 636, recommending that the plaintiffs' motion to dismiss Eugene Hinson without prejudice be denied and that the defendants' motion to dismiss Eugene Hinson with prejudice be granted.<sup>1</sup> No party has

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<sup>1</sup> Doc. #546.

filed objections to the Report and Recommendation within the time period prescribed.

Upon review of the record, the court hereby adopts the magistrate judge's Report and Recommendation in its entirety. The plaintiffs' motion to dismiss Eugene Hinson without prejudice<sup>2</sup> is denied and that the defendants' motion to dismiss Eugene Hinson with prejudice<sup>3</sup> is granted.

**IT IS SO ORDERED.**

Dated this 18th day of September, 2017.

/s/ Ralph R. Erickson  
Ralph R. Erickson, District Judge  
United States District Court

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<sup>2</sup> Doc. #536.

<sup>3</sup> Doc. #545.